

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gerald H. Ablan)
) Art Unit: **3621**
Serial No.: **09/644,411**)
) Examiner: **C. Hewitt II**
Filed: **August 23, 2000**)
)
For: **Auction Management System**)

DECLARATION OF DARIS MCCULLOUGH UNDER 37 C.F.R. §§ 1.132

I, Daris McCoulough, declare and state under oath as follows:

1. I am over 21 years of age, of sound mind and body, a joint inventor of the subject matter claimed in the above-identified patent application, and the Chief Operating Officer of the assignee of that application, Marketworks, Inc. (formerly known as Auctionworks, Inc. and Auctionworks.com, Inc.) ("Marketworks").
2. This Declaration is submitted in connection with the referenced patent application for the purpose of documenting the commercial success of the system and methods described and claimed in that application in support of patentability of the invention claimed in the subject patent application.
3. As the Chief Operating Officer of Marketworks, I have personal knowledge of the sales of this organization by virtue of my personal review of the relevant corporate records, which I conducted for the purpose of preparing this Declaration.
4. In the year 2000, the subject patent application was filed and the subject matter described and claimed in the application went into commercial operation.

5. Since that time, Marketworks has experienced significant and consistent growth in its sales revenue, as shown below:

2000: \$26,680

2001: \$716,405

2002: \$2,742,248

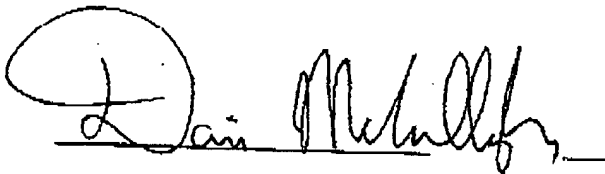
2003: \$4,464,580

2004: \$6,196,918

6. Applicant's entire auction management system since inception of the company is claimed in the subject application, and Applicant's auction management system as described and claimed in the subject patent application is the only feature distinguishing it from other auction management system.

7. As a result, the high level of commercial success experienced by Marketworks is entirely attributable to features claimed in the subject patent application.

I declare under penalty of perjury that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.



Daris McCullough

Executed on: July 14, 2005